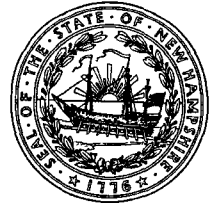




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2004-63**

October 5, 2004

Mr. Philip Busby
Hasago LLC
9 Pond Lane
Atkinson, NH 03811

RE: DES Wetlands File #2004-01567, 2 Showell Pond Rd, Hampstead/Sandown

Dear Mr. Busby:

On September 14, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Sandown Tax Map 2 as Lot 34 and Hampstead Tax Map 10 as Lot 6 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

1. Approximately 3,200 square feet of fill had been placed in a pond and associated wetland without a permit from DES.
2. A culvert crossing had been installed on the west side of the pond.
3. Approximately 50 linear feet of rip-rap had been placed on the bank of the west side of the pond in the vicinity of the culvert.

In response, you are requested to take the following actions:

1. By October 25, 2004 retain a certified wetland scientist to prepare a restoration plan for the fill in the pond. The restoration plan should be submitted to DES for approval by November 25, 2004 and contain the following:
 - a. A plan with dimensions, drawn to scale, indicating the footprint of the pond and associated wetlands prior to disturbance (delineated in accordance with Section F of the Corps of Engineers Wetlands Delineation Manual); the footprint of the existing conditions indicating the areas that have been disturbed. Recent and previous filling of wetlands should be identified and dated.
 - b. A plan for re-establishing the wetland to its original footprint;
 - c. A proposed means of sediment and erosion control;
 - d. A proposed schedule and restoration sequence listing equipment and methods for accomplishing restoration;
 - e. A proposed planting plan for the re-establishment of wetland vegetation;
 - f. A monitoring and reporting schedule including an initial report to DES and at least one restoration progress assessment report after a full growing season;
2. Carry out restoration as conditioned in a separate DES Restoration Approval Letter.
3. Restore or submit an After-the-Fact application for the rip-rap and culvert crossing.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

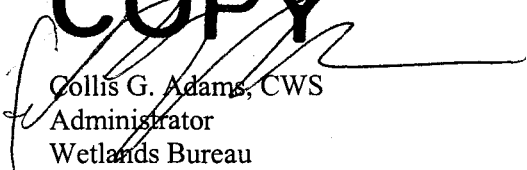
All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Arlene Allen, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Arlene Allen at (603) 271-4192.

Sincerely,

COPY


Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7004 0750 0003 0561 8309

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Sandown Conservation Commission
Sandown Board of Selectmen
USACOE